

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED

June 21, 2011

In the Matter of TAYLOR/GONZALES, Minors.

No. 301520

Kent Circuit Court

Family Division

LC No. 10-052262-NA

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Before: SHAPIRO, P.J., and O'CONNELL and OWENS, JJ.

PER CURIAM.

Respondent appeals as of right from an order that terminated her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii), (g), and (j). The parental rights of the children's respective fathers remained intact. We affirm.

The trial court did not clearly err in finding that clear and convincing evidence supported termination of respondent's parental rights. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5); MCR 3.977(K). In June 2010, the oldest child accused her grandmother's boyfriend, Robert Holliday, of sexually molesting her over a significant period of time. The Department of Human Services (DHS) received a referral based on the fact that respondent had been warned about keeping the children away from Holliday, but failed to do so. In fact, the same child made allegations of sexual abuse against Holliday approximately five years earlier. Holliday also had a 1987 Ingham County conviction for sexually assaulting his then three-year-old brother, M. Taylor (who was also father to two of respondent's children). Respondent acknowledged that she was aware that Holliday had been accused of molesting someone but was under the impression that nothing came of it. Respondent tried to explain away her daughter's allegations by stating that the girl must have walked in on Holliday while he was in the bathroom. The CPS worker testified that she specifically told respondent in 2005 that Holliday had been convicted in the past of sexual misconduct involving a child and that respondent could not allow unsupervised contact between Holliday and the children. A former CPS worker also testified of warning respondent in 2006 against leaving the children in the grandmother's care. At the time, respondent was offered, but refused, prevention services.

Respondent pleaded to the allegations in the September 2010 petition, essentially admitting that she failed to protect the children and that there were statutory bases for terminating her parental rights. All that remained was a determination regarding whether termination of respondent's parental rights was in the children's best interests.

There is no doubt that respondent and the children were well-bonded. Respondent never missed a visit and the children were happy to see her. The oldest child, especially, reported to the children's therapist how much she missed her mother. Still, the evidence clearly demonstrates that respondent chose to ignore warnings by CPS workers and essentially facilitated the child's sexual abuse by allowing Holliday to have unsupervised contact with the child. Respondent was slow to acknowledge any role in the child's abuse to caseworkers and counselors. Given respondent's cavalier attitude in the past and her minimal progress in admitting her responsibility, there were no assurances that she could protect the children in the future.

Finally, contrary to respondent's argument on appeal, the trial court clearly addressed the children's best interests. MCL 712A.19b(5). The trial court noted that it was terminating respondent's parental rights "with great regret for the loss that these children will endure because there's no question in my mind that the children love their mother, and their mother loves the children. But love is not enough when you're looking at children being brutally raped by a monster, it's not enough." The trial court looked to "the mother's inability to accept responsibility, untruthful disclosures about knowledge about Mr. Holliday, lack of income and lack of housing, and lack of progress since this matter came to the attention of CPS." The trial court concluded that "the best interests of the children would be served through termination of their mother's rights to allow for them to be safe and hopefully move on to provide — be provided for by their fathers." The trial court did not clearly err in making such a decision. MCL 712A.19b(5); MCR 3.977(K).

Affirmed.

/s/ Douglas B. Shapiro

/s/ Peter D. O'Connell

/s/ Donald S. Owens